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Amnesty International at UN Decol.

EAST TIMOR: Who Is To Blame?

Amnesty International Statement Before the UN Special Committee on Decolonization. July 13, 1994

AI Index: ASA 21/31/94

Mr Chairman,

Each year for the past decade Amnesty International has come before this Committee to articulate its concern about human rights in East Timor. Each year our criticism has been directed principally toward the Government of Indonesia whose policies and practices have been directly responsible for systematic human rights violations in the territory for almost twenty years. This year we feel compelled to break with tradition: we address our remarks today not only to the Government of Indonesia, but also to member states of the United Nations (UN) who, in our view, share responsibility - both direct and indirect - for the long-standing human rights problem in East Timor.

Speaking before this Committee last year, we welcomed the passing of a resolution on East Timor at the 49th session of the UN Commission on Human Rights, and we expressed the hope that member states of the UN would continue to press the Indonesian Government to carry out the concrete recommendations contained in that resolution. We believed that by doing so, and by insisting that the government abide by international human rights standards, UN member states could contribute significantly to an improvement of the human rights situation in the territory.

Sadly, in the year and a half since the 1993 resolution was passed, the international community has effectively turned its back on the reality of systematic human rights violations in East Timor. It has accepted uncritically Indonesian Government promises of commitment to human rights and "political openness". The emptiness of those promises has been brought home in recent weeks with the banning of three of the country's leading news magazines, and by the use of repressive measures - including arbitrary detention and ill-treatment - to suppress those who have had the courage to speak out against them.(1) Such measures may have come as a surprise to those eager to believe the government's blandishments about the new climate of "openness" - but they are nothing new to most East Timorese. Speaking in September 1993, the Catholic Bishop of East Timor, Dom Carlos Filipe Ximenes Belo, put it this way:

People are not allowed the possibility to speak differently, to hold a different opinion ... they are also denied the fundamental right to express what they would like to be politically.... The military say they don't beat anyone, that they respect the people, that they work for the prosperity of the people. But for me it is a pure lie. From 1983 til now I have heard only lies from them.(2)

Many governments, while publicly professing concern over human rights in East Timor, have continued to supply military equipment to Indonesia - equipment which could be used to commit human rights violations in East Timor. Others have provided military training to, or have conducted joint exercises with, Indonesian armed forces' units well known for human rights abuse. And while some governments have linked economic assistance to human rights performance, most aid donors have steadily increased their level of aid to Indonesia.(3) Nor have expressions of concern for human rights had any noticeable impact on trading patterns. The willingness of foreign governments to conduct "business as usual" sends a clear signal that human rights take second place to economic interest.

The lack of concerted pressure from the international community has contributed to the perpetuation of a pattern of systematic human rights abuse in East Timor in the past year. Torture and ill-treatment have continued to be the centre-piece of a strategy for silencing real and suspected political opponents and for extracting political intelligence through intimidation and coercion. Extrajudicial executions have continued to be reported, while the fate of those killed or "disappeared" in past years has yet to be clarified. Following a well-established pattern, hundreds of alleged political opponents have been arbitrarily detained within the past year, and at least 23 are now serving terms of up to life imprisonment following unfair political trials.

Despite its stated commitment to the protection of human rights, the Indonesian Government has done little to investigate past violations, and has failed to take significant measures to prevent their future occurrence. Military authorities continue to dominate the government and to operate with considerable autonomy, with scant regard to human rights concerns. With rare exceptions, the perpetrators of human rights crimes have

not been brought to justice. And, notwithstanding repeated government claims of increased openness, access to East Timor remains limited.

The weakness of the international posture toward Indonesia was epitomized by the Consensus statement read by the Chair of the UN Commission on Human Rights in March of this year.(4) Despite the fact that the Indonesian Government had failed utterly to implement any of the concrete recommendations made in previous resolutions - in particular the Commission's 1993 resolution - the Consensus statement praised the government for unspecified "positive measures" it had taken toward the protection of human rights. The dangers inherent in such a weak statement have been grimly illustrated by evidence of continuing human rights violations in the past year. Indeed, far from encouraging the Indonesian authorities to improve their human rights practice - as some government claimed it would do - the Consensus statement appears only to have encouraged them to preserve the status quo.

In Amnesty International's view, the Commission's statement was defective in four important respects. First, it made no mention of the problem of torture and ill-treatment of political detainees, despite the fact that the systematic use of torture continued - and that specific incidents of torture were reported by Amnesty International - even as the Commission met.(5) Also shocking was the Commission's failure to mention the recommendations made by the UN Special Rapporteur on torture following his visit to East Timor and Indonesia in late 1991.(6) More than two years after that visit, the Indonesian authorities had begun to implement only one of those recommendations. The Commission's failure to refer explicitly to torture, or to the Special Rapporteur's recommendations, has helped to ensure that nothing has changed; as the evidence appended to this statement demonstrates, torture continues in East Timor.

Second, in its reference to East Timorese political prisoners, the Consensus statement conspicuously avoided mentioning that more than thirty people have been imprisoned in the past three years for their non-violent political activities or beliefs - including 6 in the past year alone. It also failed to note that several hundreds of other alleged critics or opponents of Indonesian rule in East Timor have been subjected to short-term arbitrary detention without charge or trial in recent years. Instead, it called lamely upon the Indonesian Government to ensure that prisoners would be "treated humanely", that their rights would be "fully respected". The Commission appeared not to recognize that arbitrary detention is fundamentally inconsistent with the principles of humane treatment and respect for basic rights that it is entrusted to uphold. It also failed to note that, as a matter of principle, those detained for their non-violent political activities or beliefs should be released immediately and unconditionally.

Third, with respect to the problem of extrajudicial executions and "disappearances" the Commission's statement conveyed a misleading impression of the extent and the nature of the problem in East Timor. In "acknowledging the efforts made to account for those persons missing" after the Santa Cruz massacre, the Commission obscured the inadequacy of the government's response. As Amnesty International reported during the Commission's 1994 session, the government has provided clarification of the fate of only a small fraction of the estimated 270 dead and 200 "disappeared", and has attempted to disguise the inadequacy of its efforts by publishing information which is false and misleading.(7) Moreover, by focusing exclusively on those killed in November 1991 the Commission has lent credence to the Indonesian Government's claim that the massacre was an isolated incident, which did not reflect official policy or an established pattern of practice. The clearest evidence that the Santa Cruz massacre was not an isolated incident lies in the fact that scores of political killings have been reported in East Timor since 1991 - including at least twenty in the past year alone.

Finally, the Commission gave a seriously misleading impression of the human rights situation when it welcomed what it called a "policy of expanding access" to East Timor by international human rights and humanitarian organizations, as well as the international media. The fact is that all delegations visiting East Timor continue to be kept under close surveillance, making genuine human rights monitoring difficult and potentially dangerous to those they contact. As the evidence appended to this statement makes clear, in the past year alone scores of East Timorese have suffered imprisonment, torture, and ill-treatment because of their efforts to gather and disseminate information about human rights abuse in the territory. Thus, while the government's decision to invite the UN Special Rapporteur on extrajudicial, summary and arbitrary executions to visit East Timor in July 1994 was undoubtedly a positive step, concern remains that such obstacles and dangers will limit his ability to conduct a thorough and impartial investigation. Finally, it must be stressed that, notwithstanding assertions about "expanding access", some international human rights organizations including Amnesty International - continue to be denied access to the territory altogether.

Mr Chairman, every year for the past decade Amnesty International has testified before this Committee in the sincere hope that it will be the last time. But it is only too clear that unless the Government of Indonesia takes immediate and concrete measures to address the root causes of human rights violations, and unless member states of the United Nations apply concerted pressure on the government to fulfill its responsibilities under international law, it will be necessary to return here for many years to come. Thank you.(8)

NOTES

1) For details see Amnesty International document, Free Speech Protesters Detained and Beaten (ASA 21/27/94) June 1994.

2) From an Interview with Timor Link, September 1993.

3) In the three years since the Santa Cruz massacre, the Consultative Group on Indonesia (CGI), a development aid consortium which meets annually to agree bilateral and multilateral assistance to Indonesia, has consistently increased its total disbursement.

4) See Appendix I for the full text of the statement.

5) The torture of Salvador Sarmento, detailed below, was reported in an Amnesty International document distributed during the Commission's 50th session. See Indonesia & East Timor - Fact and Fiction: Implementing the Recommendations of the UN Commission on Human Rights (ASA 21/05/94), 16 February 1994, p. 12.

6) In its March 1993 resolution on East Timor (1993/97, para. 8), the UN Commission on Human Rights did call on the Indonesian authorities to implement recommendations.

7) For further details of the government's response, see Amnesty International document, Indonesia & East Timor -- Fact and Fiction, Implementing the Recommendations of the UN Commission on Human Rights (ASA 21/05/94), 16 February 1994, pp. 2-6.

8) The remainder of this document was not included in the oral presentation before the UN Special Committee of Decolonization but was submitted in written form.